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2 C E N T R A L P I N E B A R R E N S

3 C O M M I S S I O N M E E T I N G

4 -----x

5 RIVERSIDE SEWAGE TREATMENT PLAN (STP)

6 COMPATIBLE GROWTH AREA HARSHSHIP WAIVER

7 DEVELOPMENT OF REGIONAL SIGNIFICANCE

8 APPLICATION

9 -----x

10 February 21, 2024
11 3:00 p.m.

12 4 Second Street
13 Riverhead, New York

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21 TRANSCRIPT OF PROCEEDINGS

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2 A P P E A R A N C E S:

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4 ROBERT T. CALARCO, Governor's Representative
5 EDWARD P. ROMAINE, Suffolk County Executive
6 TIMOTHY C. HUBBARD, Riverhead Town Supervisor
7 MICHELLE DI BRITA, Brookhaven Designated Representative
8 MARIA Z. MOORE, Southampton Town Supervisor
9 JANICE SCHERER, Southampton Designated Representative
10 MATTHEW CHARTERS, Riverhead Designated Representative
11 JUDITH E. JAKOBSEN, Executive Director
12 JULIE HARGRAVE, Joint Planning and Policy Manager
13 JOHN C. MILAZZO, Commission Counsel
14 ANGELA BROWN-WALTON, Administrative Assistant

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16 PUBLIC SPEAKERS:

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18 JEFF SEAMAN

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20 DAWN THOMAS

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MR. CALARCO: We have a public hearing for the Riverside Sewage Treatment Plan, Compatible Growth Area Hardship Waiver Development of Regional Significance application.

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For the record, please note that we have a full quorum here. Ms. Hargrave.

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MS. HARGRAVE: So, I think everyone

received the staff report and also the letter that was received from the Town today. I'll just briefly go through the staff report.

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This staff report describes the project which is the development of a sewage treatment plant for the Hamlet of Riverside. The sewage treatment plant has a maximum capacity of 800,000 gallons per day. It's planned to be built in phases, with the first phase having 400,000 gallons and the second phase having the other half. The sewage treatment plant will connect the existing development in Riverside and additional future development of the hamlet.

And just some background. In 2015,

the Town completed a draft generic

2 environmental impact statement and final
3 environmental impact statement findings. The
4 entire SEQRA process was completed for the
5 revitalization of Riverside for the hamlet
6 plan that was envisioned by the Town.

7 The sewage treatment plant
8 application is a significant component of the
9 hamlet revitalization plan. The Town has a
10 grant funding application that has a June
11 deadline. So, they are continuing to advance
12 the SEQRA process to the Town level for this.
13 They have prepared a supplemental draft
14 general environmental impact statement for
15 the sewage treatment plant and held hearings,
16 and they are advancing the completion of the
17 SEQRA process for the supplemental review.
18 When the SEQRA process is complete at the
19 Town level, a decision could occur by the
20 commission.

21 Just to go over some basic facts of
22 the application. The staff report has some
23 exhibits. So, you'll see there is an aerial
24 photograph of the site, and the parcels are
25 assembled by the Town, about seven parcels,

2 in what's known as the Southampton Enterprise
3 Zone south of Flanders Road. It's a
4 commercial/industrial subdivision, about 20
5 or so lots. This project site has been
6 placed on the west side of that loop road in
7 the industrial subdivision. You may know it,
8 if you pass the Suffolk Credit Union off
9 Flanders Road.

10 MR. HUBBARD: As us old timers here,
11 the old Flanders Drive-In.

12 MS. HARGRAVE: Yeah. Thank you. I
13 heard about it. Because of that old drive-in
14 movie theatre, there was some clearing in the
15 central portion of this, what was about 34
16 acres or so, before it was carved up into a
17 number of lots for the Southampton Enterprise
18 Zone for the subdivision in 2004. And
19 because of that pre-existing clearing, each
20 lot in the subdivision was allocated a
21 different clearing limit to balance out the
22 clearing and to have it conform with the
23 Comprehensive Land Use Plan. That
24 subdivision alone was developed, and it had
25 to conform to the Pine Barrens plan, and it

2 did.

3 Again, the subdivision map lists the
4 clearing limits allowed for each lot in that
5 subdivision. Typically, the Pine Barrens
6 plan, as Judy explained earlier, the clearing
7 limits go by zoning, not on the use of the
8 property but the zoning. This is
9 industrially zoned, and it was at the time of
10 the subdivision of the Enterprise Zone.
11 Again, each lot was allocated a different
12 clearing limit. So, that is what the
13 developers, when they develop lots in this
14 subdivision, they go by the map that was
15 filed for the Enterprise Zone. The
16 Enterprise Zone map is in there for your
17 reference.

18 Some photographs of the site are
19 provided. There's an old building on the
20 site. It's mostly -- the site is mostly
21 wooded. Again, because of that prior
22 clearing because of the drive-in, there were
23 areas of the site that were cleared. They
24 are starting to be recolonized by a lot of
25 pine trees. So, it's significantly wooded at

2 this time.

At the end of the staff report we have some questions addressing the project

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2 site and confirming some of the clearing
3 limits and the project site area. The
4 Southampton Enterprise Zone was the receiving
5 area for Pine Barrens credits. So, if there
6 is any information on that issue, the Town
7 could provide it. And also, submission of
8 other approvals, obviously, and permits are
9 required.

14 MR. CALARCO: If not, is the
15 applicant here or the representative?

16 MS. MASIN: Hi. Theresa Masin,
17 Planner with the Town of Southampton. I'm
18 here on behalf of the Town to seek the
19 hardship exemption for the Riverside Sewage
20 Treatment Plant. As Ms. Hargrave indicated,
21 the Town is seeking to clear approximately
22 three and a half acres over what was
23 previously allowed by the subdivision, for a
24 total of approximately 11 and a half acres;
25 that is after Phase 2 is completed. Phase 2

2 is the northerly section, and that would only
3 be done when we need to.

4 Phase 1 would be clearing of the
5 southerly section of the portion -- of the
6 parcel. My understanding is it's about two
7 and a half acres per phase of clearing for
8 each improved. And again, you have in your
9 packet that just got handed out, Phase 1 and
10 Phase 2 of that, and the second page, I
11 believe, is the clearing Phase 1, Phase 2 on
12 the actual site.

13 Just by way of background. Riverside
14 hamlet in the Town of Southampton is a
15 New York State and federally designated
16 community of disadvantaged community. As you
17 can see on the slide here, there are several
18 statistics as to why it's considered a
19 disadvantaged community, including 40 percent
20 of households being below federal poverty
21 levels and then 55 percent of the community
22 having some sort of disability. According to
23 the recent economic indicators, it is the
24 most economically distressed community in
25 both Suffolk County and Nassau County with

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2 the lowest median household income and the
3 lowest household value. It's also considered
4 a Brownfield opportunity site, an urban
5 renewal area, and a potential environmental
6 justice area.

The Town has been working for more than two decades to revitalize this area, and that culminated in the development of the Riverside Action Plan -- Riverside Revitalization Action Plan or RRAP, which was reviewed pursuant to SEQRA with the 2015 generic impact statement, which was reviewed by the Commission at that time. The DES did note that further SEQRA analysis would be required for the sewage treatment plant, and this is that follow up that we are now proceeding with, now that we have aggregated parcels in order to develop the site. The supplemental draft environmental impact statement was submitted to the Commission in November, and you did provide us comments, which we will address in the final environmental impact statement.

25 The objective of the Riverside

2 Revitalization Action Plan and the needed
3 sewage treatment plant in order to implement
4 that plan, is to create a sense of community
5 and to protect critical resources, such as
6 the Pine Barrens, Peconic River, and David
7 Sarnoft Preserve. It's also to provide
8 economic growth, strong growth principals,
9 and sustainable development principals. We
10 also seek to stimulate the local economy, and
11 the implementation of these objectives hinges
12 on the construction of the sewage treatment
13 plant.

14 As you can see here on the map, which
15 is also included on page 1 of your packet, it
16 is in two phases. The main phase, the first
17 phase, is the most densely developed portions
18 of the community, and it does include the
19 smallest lots and the three existing mobile
20 home parks. We are currently looking to do
21 Phase 1 at this point, which is approximately
22 400,000 gallons. However, pursuant to SEQRA,
23 we are disclosing that the entire project, at
24 some future date, will be for 800,000 gallons
25 per day.

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2 up, would be the installation of equipment to
3 process the additional 400,000 gallons and
4 the installation of approximately 16,000
5 linear feet of sewer mains; and that would
6 connect the rest of the lower to medium
7 density residential development, as well as
8 the Phillips Avenue School.

2 determined that the constructed wetlands
3 would be in a flood plane and they would be
4 less active in the wintertime when plants are
5 dormant.

6 The third alternative was subsurface
7 injection wells, which would inject the
8 leachate from the treatment facility into the
9 Lloyd aquifer; that was determined to be not
10 feasible because, one, there is a ban on
11 pumping to the Lloyd aquifer in New York
12 State, pursuant to ECL-15-1528. Also, there
13 is a higher energy cost for pumping those --
14 upgrading those injection wells, which will
15 be passed along to the residents in a
16 disadvantaged community. Also, there is a
17 higher cost with respect to redundancy, and
18 it would be more difficult to repair in the
19 event of damage or failure.

20 The fourth alternative was a shared
21 service agreement with the Town of Riverhead.
22 However, the Town of Riverhead is at near
23 capacity and, based on my understanding,
24 prohibited by Town code.

25 The fifth and last alternative that

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2 we explored was the shared services to
3 upgrade the Riverside -- I'm sorry -- the
4 Riverhead sewage treatment plant to process
5 and accept biosolids; and that is still being
6 considered as a supplement to what we are
7 pursuing now.

The Town of Southampton feels that a hardship waiver should be granted to the Town for this sewage treatment plant, because there is a compelling public need. The compelling public need would allow for revitalization of a very disadvantaged community. It would provide new housing and employment opportunities. Housing could consist of approximately 50 percent market rate units and 50 percent community benefit units, which would be distributed in accordance with the FDIS and pursuant to Section 330.12 of the Town Code.

21 It would create a pedestrian oriented
22 hamlet and provide for civic spaces and
23 private open spaces, such as hamlet greens,
24 rooftop gardens, etcetera. It would also
25 protect sensitive ecosystems like the little

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2 Peconic River, the David Sarnoff Preserve,
3 the Cranberry Bog, and Peconic River, which,
4 as you are aware, is the main tributary to
5 the Peconic Estuary, which is an estuary of
6 national significance.

7 To protect those sensitive
8 ecosystems, the Town has partitioned more
9 than 55 acres of open space, which had
10 initially been for the use of constructed
11 wetlands but now is going to be remaining as
12 open space. And just as a further point of
13 clarification, the U.S. Fish and Wildlife
14 Service has deemed the Peconic River as an
15 essential fish habitat for river herring.

16 The treated outpour from the high
17 density mobile homes parks would be treated
18 from 60 milligrams per liter down to under
19 ten, pursuant to Speedy's permit
20 requirements, and that would connect, again,
21 684 households and commercial properties in
22 just Phase 1. This would bring the parcel
23 into greater compliance with the nitrogen
24 goals of both the Peconic Estuary TMDL and
25 the clock. In fact, the Peconic Estuary TMDL

2 does make a suggestion that sewerage may be
3 required, in order to achieve the goals of
4 the TMDL. And finally, last, a lock would
5 remain Brownfield sites.

6 In order to mitigate the impacts
7 associated with the construction of the
8 sewage treatment plant, the Town has worked
9 to incorporate mitigative measures.

10 Obviously, the first and foremost would be
11 treating the existing effluent and reducing
12 effluent concentrations by four to five
13 orders of magnitude. The siting of STP to an
14 existing light industrial zone would keep it
15 away from the sensitive ecosystems. The
16 installation of sewer mains and associated
17 pump houses are generally within the existing
18 road right-of-ways. It is, again, set back
19 from Flanders Road, which is a scenic
20 highway.

21 All equipment would be inside the
22 concrete building to eliminate potential
23 odors. It is located within the Compatible
24 Growth Area, but it is at the downward edge
25 or down gradient edge of the Compatible

2 Growth Area where sewage -- groundwater flow,
3 flows towards the river in a northerly
4 direction. Because of the large amount of
5 clearing and development associated with the
6 sewage treatment plan, a storm water solution
7 prevention plan and a permit will be required
8 and obtained. And then the clearing on
9 Phase 2, which is the property known as the
10 Five Towns property, will remain in existing
11 condition until needed. Disturbance around
12 and at the sewage treatment plant and pump
13 stations will be planted or seeded as soon as
14 possible after disturbance using
15 non-native -- I'm sorry -- noninvasive native
16 grasses, and we will be establishing a buffer
17 around the perimeter of the STP site.

Again, as part of the project, we had initially acquired over 55 acres of land on the north side of Flanders Road which, since we are not going to be using for constructed wetlands, will be preserved as open space. Obviously, in order to comply with Fish and Wildlife requirements, we will be doing all site clearing during the allowable clearing

2 window.

3 So, I can make myself available for
4 any questions -- wait. One final thing. We
5 do have significant funding for this project,
6 including almost \$11 million that the Town
7 has invested, and we are currently waiting
8 for over \$17 million from DFC, and that's
9 part of why we have to close on this project
10 with district formation by June 14th.

11 Do you have any questions for me?

12 MR. CALARCO: Does anybody have any
13 questions?

14 (No response was heard.)

15 MR. CALARCO: Seeing none, thank you
16 very much. Is there anybody else who would
17 like to address us regarding this particular
18 application? State your name for the record.

19 MR. SEAMAN: My name is Jeff Seaman.
20 I am the environmental consultant
21 representing the Town of Riverhead on this
22 application for this hearing. First, welcome
23 everyone to Riverhead. I hope you're
24 enjoying the new accommodations.

25 For the benefit of this Board,

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2 because this is the first time we have been
3 able to address many of the stakeholders
4 under one roof, I'd just like to highlight
5 some of Riverhead's concerns with the overall
6 district formation and the wastewater that's
7 being treated in general.

I recognize that time is important to everyone here today, and the primary focus is on the hardship waiver. However, Riverhead has attended all three of the SEQRA hearings that have been held in Southampton. I understand that Southampton is fully aware of our concerns. However, the importance here is the schedule under SEQRA. The hearings were closed last Thursday with a ten day written comment period. So, I think it's important that everyone understands some of our concerns, but also some of the opportunities that lie ahead for all of the stakeholders.

2 part of the review process of this
3 application, Southampton was asked by the
4 Environmental Facilities Corporation to look
5 at consolidating their wastewater, all
6 800,000 gallons, and sending that to the
7 Riverhead treatment plant, along with the
8 biosolids. Those were alternatives four and
9 five in the generic EIS. We can't
10 accommodate that because the capacity of the
11 plant and also the capacity that we have
12 within the infrastructure of Riverhead, and
13 that is being impacted by the flow that we're
14 receiving from the County. That flow is
15 approximately 100,000 gallons a day.

16 Riverhead's needs here include a
17 Transfer Development Rights program that is
18 proposed within your updated master plan.
19 That TDR program has identified a sending
20 area north of Sound Avenue with the intent of
21 the receiving area on the western end of Main
22 Street, which is seweried, or can easily be
23 extended for our sewer system. It's also
24 served by Riverhead Water District. So, that
25 gives an opportunity to move that density

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2 with an incentive plan, preserve that land
3 that Riverhead does not have the CPF funds
4 that our neighboring towns have, and move
5 that development into an area that can be
6 accommodated by the Riverhead sewage plant,
7 but that is restricted by the 100,000 gallons
8 per day that we're receiving from the County.

25 We don't see many down sides to this.

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2 and we're not trying to obstruct the process
3 or the deadlines that are important to the
4 revitalization of Riverside, because what
5 happens in Riverside is also happening in
6 Riverhead. Revitalization plans so far in
7 Riverhead have been quite successful,
8 via-a-vis the fact that we reflect it in
9 Riverside. But we cannot continue to
10 accommodate the County, especially when it
11 would make an intelligent choice to shift
12 that flow to a newer and much closer
13 treatment facility.

Furthermore, the western end of Riverhead's Main Street also has failing septic systems, and it make no environmental sense to continue to allow that to operate upstream while \$35 million is being invested in Riverside to correct nitrogen loading within the estuary downstream.

21 I have much more extensive comments
22 that I'm going to submit, and I'm happy to
23 answer any questions that anyone may have.

24 MR. CALARCO: Any questions?

25 (No response was heard.)

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MR. SEAMAN: I ask you to consider

this in your deliberations, largely because the SEQRA process will close, I believe, on Monday next week, and that will not give Riverhead another opportunity to make public comments.

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Lastly, I think we have been

recognized as an interested party. We believe that because at least one of the options under the alternatives, the biosolids disposal may still be open for discussion and would require an approval to move in that direction by the Town Board, we should be included in the involved agencies list.

Thank you.

MR. CALARCO: Okay. Thank you, sir,

we appreciate your time. Anybody else?

MS. THOMAS: Good afternoon. My name

is Dawn Thomas. I'm the director of Economic Development Planning and Building for the Town of Riverhead. I just wanted to reiterate Mr. Seaman's comments on the technical aspects of his presentation, but I really wanted to emphasize the Town's request

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2 that the County Center and correctional
3 facility be included in the new Riverside
4 community sewage treatment district from the
5 outset. Environmental justice requires that
6 these facilities be included in the new
7 district. This will allow Riverhead to
8 maximize its TDR program.

I don't know how familiar everyone is. We have 7,000 acres left to buy of primary cultural land in Riverhead and we have zero dollars and CPF funds, just because of the way Riverhead is and our property values are not anywhere near what the other east end towns have. So, every tool we have in our toolbox to buy -- to acquire this farmland, including TDR and clustering, CPF, again, is really necessary. So, this 100,000 gallons is really essential to us, and particularly our new comprehensive plan which is really working incredibly hard to make sure that the TDR program actually works. It really hasn't been effective over the last 20 years, so this is really important to us.

25 If we have any chance of preserving

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2 some of the 7,000 acres of prime farmland, we
3 really need to have this flow removed from
4 our district. Including the flow in the
5 County facilities and the new Riverside
6 district. We also provide needed flow and
7 tax dollars to the new district, which would
8 offset the cost to the residents of
9 Riverside, which is an area of persistent
10 poverty, historically disadvantaged, and an
11 environmental justice area.

2 prohibits our expansion into the West Main
3 Street area, because we have to guarantee
4 200,000, although they are only using roughly
5 100,000. So, that's an important point to
6 make that it handcuffs the Town of Riverhead
7 a little bit more.

8 MS. THOMAS: Very much.

9 MR. HUBBARD: Unfairly, in my
10 prejudiced opinion.

11 MS. THOMAS: Anyone who is familiar
12 with West Main Street, you would recognize it
13 as a blighted and dis-invested area. It
14 would be great if we could sewer it and add a
15 little more residential and commercial
16 development to it. There are opportunities
17 for grant funding with the sewer extension
18 for us, and also for trails and bike lanes
19 and things like that, that are necessary.
20 So, we are really looking forward to that,
21 but we really do need that flow back. Thank
22 you.

23 MS. SCHERER: I just wanted to
24 comment on the timing, if I may, and that is
25 that we're not adverse, necessarily, to

2 looking at the inclusion of the County
3 Center, but we have to form the district by
4 June. So, that would -- what you're saying
5 would necessitate us to start over and redo a
6 map and plan area. It's really difficult to
7 do that. Although, in our response to
8 comments, we can say we can look at it as a
9 third phase or part of Phase 2, and then we
10 would have the time, as we're doing
11 engineering designs, to redo that.

12 At this point, I just want to manage
13 expectations that it's not that we don't want
14 to, it's the time. It's March, right? It's
15 effectively almost March. This has to happen
16 by June. In order to go back to redo it
17 would be impossible and we would lose that
18 ability to get that funding. However, we
19 want to look at that comprehensively,
20 understand what it is. We're committing
21 200,000 gallons of flow potentially. What
22 does that do to the potential revitalization?
23 How can we work together to figure that out?
24 I think the supervisor is here; he can speak
25 to that. We want to work together. The

2 timing is the concern here.

3 MS. MOORE: I completely understand
4 that you're maxed out with the plans and you
5 need the ability to revitalize the downtown.
6 You did an excellent job in getting so much
7 grants.

8 MS. THOMAS: Thank you.

9 MS. MOORE: So, we want to help. We
10 should take over the County Center and the
11 jail, but as Janice said, the problem, the
12 other thing is in Phase 1. We're to treat
13 the existing effluent at about 200,000
14 gallons a day. If we had a total of 400,000
15 in Phase 1, we wouldn't have any flow left to
16 do any of the planned revitalization of the
17 area.

18 MR. HUBBARD: Welcome to our world.

19 MS. MOORE: I know. This map and
20 plan is just for Phase 1 is my understanding.
21 So, we would have to do another one for
22 Phase 2. I would tell you, if I'm still
23 here, I would include the County Center and
24 the jail. I wish we knew before the map and
25 plans were already in place. We do have

2 Janice who has really gotten a lot, so much
3 grant funding for us, and I hate to
4 jeopardize that, if we don't finalize things
5 by June. That's where we're coming from.

6 MS. SCHERER: I think it's important
7 to work with the County Executive and talk
8 about the potential here.

9 MR. ROMAINE: I already told our
10 supervisor of Riverhead we're going to pay
11 all the bills they haven't paid for the last
12 few years.

13 MR. HUBBARD: We appreciate that.

14 MS. THOMAS: I do appreciate the
15 overtures relating to working together. I
16 know we can work together. I think Riverside
17 is a great opportunity for Riverhead and
18 Southampton to make civic community needs for
19 everyone. That is fantastic.

20 The development that was proposed to
21 be included in the proposed sewage treatment
22 plan doesn't exist yet, so I think there is
23 an opportunity. It is a public process. The
24 map and plan is a public process. So, the
25 drawing in of public input and important

2 public issue is really what it's about.

3 So, I understand the timing is
4 difficult. We would work in every way we
5 could to advance and work with you and EFC
6 the grant money. I guarantee EFC would be
7 grateful to know that we're doing the best
8 possible thing we can for river values and
9 for the communities that are involved. So, I
10 understand that. I don't think it's a bar to
11 us working together and trying to revise that
12 plan now. So, I hope that we can talk about
13 that. Thanks.

14 MS. SCHERER: I don't want to belabor
15 the point, but we can go back. We need to
16 form a district and put in our finance
17 application by June 14th. Then we are doing
18 engineering work for a year. During this
19 time frame, we can then come back and look at
20 anything that we missed and fix. Of course,
21 we'd have to advance a new map and plan
22 process. We can do that, it's just that
23 between March and June we can't. After that,
24 we can.

25 MR. CALARCO: Sounds like our two

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2 towns will be getting together and having a
3 conversation. We just have the hardship
4 before us right now.

5 MR. ROMAINE: That's all we have
6 before us.

7 MR. CALARCO: Just the hardship.

12 MR. ROMAINE: Close the hearing.

13 MR. CALARCO: So, is there anybody
14 else that would like to address us on this
15 particular item?

16 (No response was heard.)

20 MR. MILAZZO: Close this hearing,
21 keep it open for two weeks.

22 MR. ROMAINE: I'll make a motion to
23 close the public portion with a 14 day public
24 comment period.

25 | MR. CALARCO: Motion seconded from

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2 | Supervisor Hubbard.

3 MR. HUBBARD: Second.

4 MR. CALARCO: All those in favor.

5 (WHEREUPON, there was a unanimous
6 affirmative vote of the Board.)

7 MR. CALARCO: Opposed?

8 (No response was heard.)

12 (Time Ended: 3:37 p.m.)

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2 C E R T I F I C A T E

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5 I, BETHANNE MENNONNA, a Notary Public
6 within and for the State of New York do
7 hereby certify that the foregoing is a true
8 and accurate transcript of the proceedings,
9 as taken stenographically by myself to the
10 best of my ability, at the time and place
11 aforementioned.

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BETHANNE MENNONNA